

Regular Session, 2010

HOUSE BILL NO. 825

BY REPRESENTATIVE ABRAMSON

CRIME/SEX OFFENSES: Adds the crimes of human trafficking and trafficking of children for sexual purposes to the list of sex offenses and crimes of violence

1 AN ACT

2 To amend and reenact R.S. 15:541(12)(a), (24), and (25)(c) and to enact R.S. 14:2(B)(42)
3 and (43) and R.S. 15:541(2)(n), relative to crimes involving trafficking; to provide
4 for definitions; to provide with respect to sex offender registration and notification
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:2(B)(42) and (43) are hereby enacted to read as follows:

8 §2. Definitions

9 * * *

10 B. In this Code, "crime of violence" means an offense that has, as an
11 element, the use, attempted use, or threatened use of physical force against the
12 person or property of another, and that, by its very nature, involves a substantial risk
13 that physical force against the person or property of another may be used in the
14 course of committing the offense or an offense that involves the possession or use
15 of a dangerous weapon. The following enumerated offenses and attempts to commit
16 any of them are included as "crimes of violence":

17 * * *

18 (42) Trafficking of children for sexual purposes.

19 (43) Human trafficking.

Section 2. R.S. 15:541(12)(a), (24), and (25)(c) are hereby amended and reenacted and R.S. 15:541(2)(n) is hereby enacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

* * *

(2) "Aggravated offense" means a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:

* * *

(n) Trafficking of children for sexual purposes (R.S. 14:46.3)

* * *

(12) "Criminal offense against a victim who is a minor" for the purposes of this Chapter means conviction for the perpetration or attempted perpetration of or conspiracy to commit any of the following offenses:

(a) A violation of ~~Subpart D of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950~~ R.S. 14:44, 44.1, 44.2, 45, 45.1, 46, or 46.1 when the victim is under eighteen years of age and the defendant is not the parent of the victim.

* * *

(24) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2) or (3), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:92(A)(7) (contributing to the delinquency

of juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), any provision of Subpart C of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, or a second or subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

(25) "Sexual offense against a victim who is a minor" means a conviction for the perpetration or attempted perpetration of, or conspiracy to commit, any of the following:

* * *

(c) Human trafficking ~~(R.S. 14:46.2(B)(2))~~ when prosecuted under the provisions of R.S. 14:46.2(B)(3).

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 825

Abstract: Adds the crimes of human trafficking and trafficking of children for sexual purposes to enumerated crimes of violence and sex offenses for purposes of sex offender registration and notification requirements.

Present law provides for the crimes of human trafficking and trafficking of children for sexual purposes.

Present law provides for the following listing of crimes designated as crimes of violence: solicitation for murder; first degree murder; second degree murder; manslaughter;

aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; aggravated sexual battery; intentional exposure to AIDS virus; aggravated kidnapping; second degree kidnapping; simple kidnapping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; carjacking; illegal use of weapons or dangerous instrumentalities; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery, use of firearm; aggravated robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; terrorism; aggravated incest; and battery of a police officer.

Proposed law retains the provisions of present law and adds trafficking of children for sexual purposes and human trafficking to this list.

Present law provides for an enumerated list of sex offenses for purposes of sex offender registration and notification requirements.

Proposed law retains the provisions of present law and adds the crime of trafficking of children for sexual purposes to this list.

Present law provides for offenses which are defined as "aggravated offenses".

Proposed law retains the provisions of present law and adds the crime of trafficking of children for sexual purposes to this list, thereby requiring lifetime sex offender registration.

Proposed law makes changes to the definitions of "criminal offense against a victim who is a minor" and "sexual offense against a victim who is a minor".

(Amends R.S. 15:541(12)(a), (24), and (25)(c); Adds R.S. 14:2(B)(42) and (43) and R.S. 15:541(2)(n))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Made changes to the definition of "criminal offense against a victim who is a minor" and "sexual offense against a victim who is a minor".
2. Added the crime of trafficking of children for sexual purposes to definition of "aggravated offense".